IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Riley Hawkins, et al.

Application No.: 10/813,899 Conf. No.: 1803

Filed: March 31, 2004 Group Art Unit: 3738

Entitled: Examiner: Suba Ganesan METHOD AND APPARATUS FOR ARTIFICIAL DISC INSERTION

Docket No.:

101896-662 (DEP5055)

Certificate of Mailing

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system (EFS-Web) in accordance with § 1.6(a)(4).

Dated: November 25, 2008 (Rory P. Pheiffer)

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION

Dear Madam:

This communication is in response to the non-final Office Action mailed on September 5, 2008.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 12 of this paper.